



House of Representatives

General Assembly

File No. 621

January Session, 2005

Substitute House Bill No. 5750

House of Representatives, May 2, 2005

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING TRESPASS, LITTERING AND VANDALISM ON PUBLIC LANDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) Whenever any person is
2 convicted of a violation of section 53a-107, 53a-108, 53a-109, 53a-115,
3 53a-116, 53a-117 or 53a-117a of the general statutes and such violation
4 occurred on public land, the court, in addition to imposing any fine
5 authorized by section 53a-41 or 53a-42 of the general statutes for such
6 violation, shall impose a surcharge in an amount equal to fifty per cent
7 of such fine. One-half of any such surcharge collected shall be payable
8 to the state and one-half shall be payable to the arresting authority. For
9 the purposes of this section, "public land" means a state park, state
10 forest or municipal park or any other publicly-owned land that is open
11 to the public for active or passive recreation.

12 Sec. 2. Subsection (b) of section 22a-250 of the general statutes is
13 repealed and the following is substituted in lieu thereof (*Effective*

14 October 1, 2005):

15 (b) Any person who violates any provision of subsection (a) of this
16 section shall be fined not more than one hundred ninety-nine dollars.
17 Whenever any person is convicted of a violation of subsection (a) of
18 this section and such violation occurred on public land, the court shall,
19 in addition to imposing any fine authorized by this subsection, impose
20 a surcharge in an amount equal to fifty per cent of such fine. One-half
21 of any fine and one-half of any such surcharge collected pursuant to
22 this subsection shall be payable to the state and [the other half] one-
23 half of any fine and one-half of any such surcharge shall be payable to
24 the [enforcing municipality] arresting authority. When any such
25 material or substances are thrown, blown, scattered or spilled from a
26 vehicle, the operator thereof shall be deemed prima facie to have
27 committed such offense. For the purposes of this section, "public land"
28 means a state park, state forest or municipal park or any other
29 publicly-owned land that is open to the public for active or passive
30 recreation.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2005	New section
Sec. 2	October 1, 2005	22a-250(b)

JUD Joint Favorable Subst.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Judicial Dept.	GF - Revenue Impact	Minimal	Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 06 \$	FY 07 \$
Municipal Police Departments	Potential Revenue Gain	Minimal	Minimal

Explanation

The bill establishes a surcharge on fines imposed for violations of certain statutes involving trespass, littering and vandalism on public lands. It also provides for the distribution of revenues from certain littering violations to the arresting authority. There are about 400 violations annually under the statutes impacted by the bill, with revenues of approximately \$70,000 (an average fine imposed of \$175). It is unknown how many of these involve public lands. Any revenue gain or loss under the bill would be less than \$50,000 annually.

OLR Bill Analysis

sHB 5750

***AN ACT CONCERNING TRESPASS, LITTERING AND VANDALISM
ON PUBLIC LANDS*****SUMMARY:**

This bill requires courts to impose a surcharge on people convicted of criminal trespass, criminal mischief, or littering in a state or municipal park, state forest, or other publicly owned land open to the public for active or passive recreation. The surcharge is in addition to any authorized fine the court imposes and must be in an amount equal to one-half of the fine. Upon collection, the bill requires one-half of the surcharge to be payable to the state and the balance to the arresting authority.

The bill changes the distribution of fines collected for littering on this property by requiring one-half payable to the arresting authority, instead of the enforcing municipality. The state remains the recipient of the other one-half.

EFFECTIVE DATE: October 1, 2005

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0